

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CHRISTY KEMPER, )  
PLAINTIFF, )  
VS. ) CIVIL ACTION NO.  
CREDITORS FINANCIAL GROUP, LLC. ) JURY TRIAL DEMANDED  
DEFENDANT. ) UNLAWFUL DEBT COLLECTION  
PRACTICES

**COMPLAINT**

**I. INTRODUCTION**

1. Plaintiff Christy Kemper alleges that Defendant engaged in abusive, deceptive, and unfair acts in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (hereinafter "FDCPA"). Specifically, Defendant, through the actions of its employees, left voice messages on Plaintiff's residential phone line in an effort to collect on a debt. The messages were false and deceptive and did not give the required disclosure regarding Defendant's status as a debt collector nor did those messages mention that the communication was being made in an effort to collect a debt.

**II. JURISDICTION AND VENUE**

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), and 28 U.S.C. § 1337 and diversity of citizenship. Venue in this District is proper in that the Defendant transacted business here and the conduct complained of occurred here.

### **III. PARTIES**

3. Plaintiff is a natural person residing in the County of St. Louis, State of Missouri.
4. Defendant Creditors Financial Group, LLC (hereinafter referred to as "CFG") is a New York Limited Liability Company with its primary office located at 313 South Vaughn Way, Suite 110, Aurora, CO and doing business in the State of Missouri.
5. CFG is subject to the jurisdiction and venue of this Court.
6. CFG may be served by personal or substitute service pursuant to the Federal Rules of Civil Procedure and, as applicable, the laws of the State of Missouri on an authorized agent at its principle place of business, to wit : 313 South Vaughn Way, Suite 110, Aurora, CO.

### **FACTUAL ALLEGATIONS**

7. CFG uses telephone communications in its business.
8. The principle purpose of CFG's business is the collection of debts.
9. CFG regularly collects or attempts to collect debts owed or due, or asserted to be owed or due, another.
10. CFG is a debt collector subject to the provisions of the Fair Debt Collection Practices Act.
11. In the course of attempting to collect a debt allegedly due from Plaintiff to another business not a party to this litigation, CFG communicated with Plaintiff in a manner which violated the Federal Fair Debt Collection Practices Act.
12. In the fall of 2008, CFG left a series of voice messages on Plaintiff's telephone voice mail box.

13. In these telephone messages, CFG's caller failed to disclose Defendant's identity.

14. In these telephone messages, CFG 's caller did not state that the communication was from a debt collector.

15. In these telephone messages, CFG 's caller did not state that the communication was an attempt to collect a debt .

16. Defendant's communications violate the Fair Debt Collection Practices Act.

17. Plaintiff has complied with all conditions precedent to bring this action.

#### **VIOLATIONS OF THE FDCPA**

18. Plaintiff incorporates herein by reference each and every prior allegation and fact as though fully restated and re-alleged.

19. Defendant's actions violated the FDCPA. The violations include, but are not limited to, the following:

(a) Defendant violated 15 U.S.C. § 1692e(11) when it left voice messages on Plaintiff's residential phone line which failed to indicate that the communications were from a debt collector;

(b) Defendant violated 15 U.S.C. § 1692e(11) when it left voice messages on Plaintiff's residential phone line which failed to disclose that the communication was being made in an effort to collect on a debt;

(c) Defendant's actions violated 15 U.S.C. § 1692f as they were unfair and unconscionable means to collect the debt.

20. As a result of the above violations of the FDCPA, the Defendant is liable to the Plaintiff for statutory damages, costs and attorney's fees.

**WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Statutory damages pursuant to 15 U.S.C. § 1692k;
- B. Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k;
- C. For such other and further relief as may be just and proper.

**PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

/s/ Christy Kemper  
**Christy Kemper**

Respectfully submitted,

**THE SWANEY LAW FIRM**

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